IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5462 OF 2006

Rajkumar G. Mishra & Ors. ..Petitioners

V/S

Managing Director/General Manager

M/s. Finolex Industries Ltd.& Anr. ..Respondents

V.P. Vaidya and Umesh Nabar for Petitioners.

Paras Kashap & Associates for Resp. No.1.

CORAM : A.P. DESHPANDE, J.

DATE : 9TH JANUARY, 2007.

P.C.

1. This petition is filed by security guards calling in question the legality and validity of judgement and order passed by the Industrial Court, Kolhapur, dismissing the complaint (ULP) filed by the petitioners individually. The Petitioners approached the Industrial Court by making grievance that they have been denied proper fitment in the grade. The grievance is that other similarly situated security guards are placed in grade III whereas the petitioners are placed in Grade II. After appreciation of the evidence on record the Industrial Court has found that no similarly situated security guards has been placed in Grade III. The finding is recorded that persons by name Shinde, Salokhe and Yadav with whom the petitioners

were comparing themselves were working as fire fighters whereas the 4th person was working as crane operator. The said 3 persons with whom the petitioners were comparing themselves are possessing special qualification and undergone the course of fire fighting. After rejecting the claim on the ground of discrimination, the Industrial Court has found that the relief in regard to granting proper fitment falls outside the scope of item 5, 9 and 10 of schedule IV of MRTU & PULP Act and hence dismissed the complaint.

2. Perused the order. No interference is called for. The writ petition is summarily dismissed.

(A.P. DESHPANDE, J.)